

HOUSE BILL NO. HB0085

Child endangering-controlled substance use while pregnant.

Sponsored by: Representative(s) Oakley, Baker, Barlow,
Crago, Flitner, Larsen, Romero-Martinez,
Sommers and Winter and Senator(s) Baldwin,
Driskill, Hutchings and Kolb

A BILL

for

1 AN ACT relating to crimes and offenses; creating a new
2 endangering children felony; providing a penalty; and
3 providing for an effective date.

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5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 6-4-405 by creating a new subsection
8 (c) and by amending and renumbering subsection (c) as (d)
9 is amended to read:

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11 **6-4-405. Endangering children; controlled substances;**
12 **penalty.**

13

1 (c) No person, while pregnant, shall knowingly
2 consume methamphetamine or a controlled substance
3 classified in Schedule I or II that is a narcotic drug, as
4 defined in W.S. 35-7-1002(a)(xv), unless prescribed by a
5 licensed healthcare professional.

6
7 ~~(e)~~(d) Any person who violates any of the provisions
8 of subsection (a) or (b) of this section or a second or
9 subsequent violation of subsection (c) of this section is
10 guilty of endangering a child punishable by imprisonment
11 for not more than five (5) years, a fine of not more than
12 five thousand dollars (\$5,000.00), or both. For a first
13 offense under subsection (c) of this section, the court
14 shall initially order probation, an addiction severity
15 index (ASI) assessment and American society of addiction
16 medicine (ASAM) placement evaluation and appropriate
17 treatment pursuant to the ASI/ASAM results. Notwithstanding
18 any other provision of law, for a violation of subsection
19 (c) of this section, the court may enter a deferred
20 sentence under W.S. 7-13-301 or 35-7-1037.

21

1 **Section 2.** This act is effective July 1, 2022.

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(END)